



# Regulatory and Legislative Development Highlights

*Our mission is to enable EM sites to package and transport EM radioactive material and waste in full compliance with all applicable regulations.*

Issue Number: EM/OT- 003

Office of Environmental Management (EM)

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## Important Date: March 24, 2006

In accordance with Department of Transportation (DOT) Security Training (49 CFR 172.704) Rule: Each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security no later than March 24, 2006.

## DOT Responds to our Request for Interpretation

On September 23, 2005, Office of Transportation requested clarification of the Hazardous Materials Regulations (HMR) regarding the applicability of fissile material exceptions specifically, the one listed in 173.253 (f). We asked DOT to replace current language in 173.253(f) with the following wording proposed by the U.S. delegation at the International Atomic Energy Agency's (IAEA) Transport Safety Standards Committee meeting held in September 2005.

*Proposed IAEA Wording: "Packages containing no more than 20% fissile nuclides by mass up to a maximum of 1 kg of plutonium per consignment"*

DOT agreed with the proposed wording provided that as long as the total quantity of fissile nuclides (plutonium or uranium) is less than 20% of the total plutonium mass, the shipment can be excepted.

DOT further noted that this exception is still intended for shipments of plutonium with certain characteristics (limited quantity of fissile nuclides). It is not intended to allow shipment of large quantities of uranium with "some" plutonium included.

As a result of DOT interpretation, the Office of Transportation will update RADCAL software to reflect the revised interpretation of 173.453(f) by June 2006.

If you need a copy of the DOT letter, please contact Ashok Kapoor.

## Nuclear Regulatory Commission

On January 13, 2006, the Nuclear Regulatory Commission's (NRC) Spent Fuel Project Office issued a Regulatory Issue Summary (RIS) 2005-27 Rev.1 to inform applicants of scheduling and prioritization guidelines and timeliness goals for reviewing and processing applications for packaging approvals. The Spent Fuel Project Office has set the following prioritization system for certification or licensing applications:

*Priority 1: Maintain the operational safety*

*Priority 2: Maintain the operational capability*

*Priority 3: Support dry storage and/or transportation*

*Priority 4: Other efforts provided these are budgeted*

*Priority 5: Other efforts which are not budgeted or planned*

In addition to the prioritization system, RIS provides estimate schedules for licensing applications. For details, visit to NRC web site at : <http://www.nrc.gov>

## DOT Notice of Proposed Rulemaking (NPR)

DOT is seeking comments by March 28, 2006, on the recently published (01/27/2006) NPR to revise, consolidate, and reformat certain HMR for the authorization to use International Transport Standards and Regulations. The NPR is available on the Federal register web site: <http://www.archives.gov/federal-register/index.html>

The following two changes are significant to DOE export/import of radioactive materials :

1. Indication on the shipping paper of the international transport standard or regulation under which the hazardous materials are being transported.
2. Removal of certain unnecessary conditions in the HMR because they have been included into the most recent editions of international standards, such as: display of product identification number preceding a United Nations (UN) number on shipping paper.

*Questions? Or Comments? Contact Ashok Kapoor (202) 586-8307, Fax: 202-586-5256 or e-mail: [ashok.kapoor@hq.doe.gov](mailto:ashok.kapoor@hq.doe.gov) or Dorothy Brown (301) 903-4925  
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